

**ARTICLE III - CODE OF ETHICS
BOROUGH OF NAUGATUCK**

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Sec. 2-111. Declaration of Policy, Purpose and Obligations.

(a) Declaration of Policy. There is hereby established a code of ethics for all town officers, employees and officials, whether elected or appointed, paid or unpaid. The purpose of this article is to establish suitable ethical standards for all such officers, employees and officials by prohibiting acts or actions incompatible with the discharge of their public duties and the best interests of the town, and by directing disclosure of private financial interest or personal interest in matters affecting the town by such officers, employees and officials. Any violations of this article may constitute a cause for suspension, removal from office or employment or other disciplinary action as more particularly set forth in section 2-116.

(Ord. No. 74, § 1-2, 10-7-86) (Current Sec. 2-111)

(b) Statement of Purpose. Public office is a public trust. The trust of the public is essential for government to function effectively. Public policy developed by government officials and employees affects every citizen of the municipality, and it must be based on honest and fair deliberations and decision. This process must be free from threats, favoritism, undue influence, and all forms of impropriety so that the confidence of the public is not eroded. By enacting this Code, the Borough of Naugatuck seeks to avoid any loss of trust and to maintain and increase the confidence of our citizens in the integrity and fairness of their government.

Government officials and public employees must discharge their duties impartially so as to assure fair competitive access to government procurement by responsible contractors. In turn, those contractors should conduct themselves in such a manner as to foster public

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confidence in the integrity of the competitive process. Thus, in order to achieve the purposes of this Code, it is essential that those doing business with the Town also observe the ethical standards prescribed herein.

(NEW)

Sec. 2-112. Application.

These sections shall be applied to and be binding on every Public Official and Employee of the Borough, as defined in this Chapter and Persons conducting business with the Borough.

(NEW)

Sec. 2-113. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) "Board" means the Borough's Board of Ethics as established in § of this Ordinance.

(b) "Business" means any entity through which business for profit or not for profit is conducted including a corporation, partnership, proprietorship, firm enterprise, franchise, association, organization, or self-employed individual.

(c) "Business with which the person is associated" shall have the meaning as set forth in the Connecticut General Statutes.

(d) "Confidential Information" any information which is available to a Public Official, Employee or Member of a Board or Commission only because of their status as such Public Official, Employee or Member of a Board or Commission and is not a matter of public knowledge or available to the public on request, in accordance with the provisions of the General Statutes.

(e) "Contract" means a written agreement between two or more competent Persons to perform or not to perform a specific act or acts pertaining to Services and Professional Services or as otherwise set forth in this Code.

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(f) "Department" or "Agency" means an agency, authority, board, bureau, commission, department, government corporation, legislative body or official of the Town.

(g) "Direct or Indirect Participation" means involvement through decision, approval, disapproval, recommendation, preparation of any part of the procurement of Commodities, Services or Leases, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity.

(h) "De Minimus Gift" means something that is of minimum value that is bestowed voluntarily and without compensation. Minimum value shall include any gift worth up to One Hundred (\$100.00) Dollars.

(i) "Elected Official" means any elected officer or official or any official appointed to complete the term of an Elected Official as said officials are elected in accordance with Section 6.1 of the Charter, as may be amended from time to time.

(j) "Employee(s)" or "Public employee(s)" means all individuals employed by the town, whether as a classified or unclassified, permanent or temporary, full-time or part-time Employee, or employed by Contract on a continuing basis and all Employees of the Board of Education. For purposes of this Chapter the term "Employee" may include Public Officials and Department Heads.

(k) "Financial Interest" means any interest with a monetary value of \$100 or more or which generates a financial gain or loss of \$100 or more in a calendar year.

(l) "Gift" shall have the meaning as set forth in the General Statutes.

(m) "Immediate Family" means a spouse, children, parents, brothers and sisters, and such other relatives or personal relationships as may be designated by the Board of Ethics.

(n) "Individual" means a natural person.

(o) "Official Responsibility" means direct administrative or operating authority, whether intermediate or final, either exercisable alone or with others, either personally or through subordinates, to approve, disapprove, or otherwise direct action by the Town.

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(p) "Person" means an individual, sole proprietorship, trust, corporation, limited liability company, union, association, firm, partnership, committee, club or other organization or group of persons.

(q) "Personal Interest" means an interest or interests other than financial, arising from blood or marriage relationships or close business or political associations.

(r) "Public Official(s)" or "Official(s)" shall include elected and appointed officials and officers, whether paid or unpaid, and members of all governmental bodies created under the provisions of the town Charter, and all other town ordinances and applicable statutes.

(s) "Participating" shall include the rendering of advice, or recommendation, investigation, approval, disapproval, or otherwise influencing a decision or action.

(Ord. No. 74, § 1-1, 10-7-86) **Cross references.** Definitions and rules of construction generally, § 1-2. (Current Sec. 2-112)

Sec. 2-114. Board of Ethics.

(1) **Establishment.** There shall be a Board of Ethics which shall have the authority to exercise the powers and duties contained in the General Statutes, this Charter and Ordinances pertaining to conflict of interest and ethics, administration of a code of ethics, including the issuance of advisory opinions and policies, and to investigate, render probable cause findings and conduct hearings pertaining to allegations of unethical conduct, corrupting influence or illegal activities levied against any Official or employee of the Town. In addition to the aforementioned powers and duties the Board shall have such other duties and powers as may be provided by any the Code of Ethics ordinance or other ordinances.

(a) **Subpoena Authority.** In a manner consistent with the provisions of the General Statutes, the Board may issue subpoenas or subpoenas *duces tecum*, enforceable upon application to the Superior Court, to compel the attendance of persons at hearings and the production of books, documents, records and papers.

(2) **Appointment and Membership.** The Board shall consist of three (3) members and one (1) alternate, all Electors of

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the Town, appointed by the Mayor. The Commission shall choose a chair and such other officers as it may desire.

(a) Term of Members. The Mayor, annually, shall appoint members for a term of three (3) years, commencing on the 1st day of July of the year of appointment, which terms shall be staggered.

Transition Provision. Initially one (1) member shall be appointed for a term of three (3) years; one (1) member for a term of two (2) years; and, one (1) member for a term of one (1) year. Annually thereafter, on the first day of July, the Mayor shall appoint one (1) member for a term of three (3) years to succeed the member whose term expires.

(b) Term of Alternate Member. The Mayor shall appoint alternate for a term of two (2) years, on the 1st day of July of the year of appointment.

(c) Assignment of Alternate Members. If a regular member of the Board is absent or is disqualified, the chairman of the Board shall designate an alternate to so act.

(d) Minority Party Representation. At no time shall more than two (2) members be of the same political party.

(e) Restrictions. In no event may any member of the code of ethics commission serve on the commission for a period of more than five (5) years in succession.

(f) Interference. The activities, votes and rulings of the Board shall not be subject to oversight or reversal by any Town Official or body.

(g) Subsequent Appointments. Upon the expiration of the term of any member or alternate on the Board of Ethics, or in the event a vacancy exists on the Board of Ethics, the mayor shall appoint a member to fill the vacancy. Each member shall serve until his successor has been appointed.

(3) Oversight of the Ethics and Conflict of Interest Policies of the Town. The Board of Ethics shall oversee and regulate the ethics and conflict of interest policies of the Town.

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(4) Adoption of Rules and Regulations. The Board shall promulgate and adopt reasonable rules and regulations for the administration of its proceedings, after a public hearing. Said rules and regulations shall be consistent to with provisions of the code and state law. The rules and regulations so promulgated and all amendments thereto shall be made available at the office of the Borough Clerk to any elector of the town.

(5) Duties and Responsibilities. The Board shall:

(a) compile and keep a record of all reports, advisory opinions, statements, and memoranda filed by or with the commission to facilitate public access;

(b) report annually, by February 1st, a summary of the Board's activities to the Board of Burgesses;

(c) issue advisory opinions; and

(d) investigate allegations of code violations.

(6) Issuance of Advisory Opinions. The Board shall, upon the written request of any officer, employee or official or resident of the town, from time to time, issue advisory opinions. Such advisory opinion shall be promulgated with sixty (60) days of the request. Advisory opinions shall be binding on the Board until amended or revoked and must be deemed to be final board decisions for the purpose of appeal. Any person who requests an advisory opinion and relies on it in good faith can assert his actions as an absolute defense to any alleged code violation. All opinions and recommendations of the commission shall be kept on file with the commission.

(7) Complaints. Procedures. Findings. Time Limits. Investigations.

(a) Duty to Disclose. All Public Officials, Employees and Members of Boards or Commissions who have knowledge of or believe there to be violations of any provisions in this Chapter are duty-bound to report those violations to the Board of Ethics. Such reports shall be in good faith and the Town in turn guarantees that no reprisals against a reporter of such violations will be taken (provided

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that such charges are not later proven to have been both malicious and false). All Persons against whom such charges have been made will have full access to all the protections of due process as spelled out by the Board of Ethics. It shall be a violation of this Chapter for a Person to falsely and maliciously charge, as found in the sole discretion of the Board of Ethics, another with violations of this Chapter.

(b) Filing of Complaint. Upon the complaint of any person, on a form prescribed by the board, signed under penalty of false statement (signed and notarized by the complainant), or upon its own complaint, the Board shall investigate any alleged violation of this Ordinance. No complaint may be made under this Ordinance except within five (5) years next after the violation alleged in the complaint has been committed.

(c) Notice to Complainant and Respondent. Confidentiality. Not later than ten (10) days after the receipt or issuance of such complaint, the Board shall provide notice of such receipt or issuance and a copy of the complaint by registered or certified mail to any respondent against whom such complaint is filed and shall provide such notice of the receipt of the complaint to the complainant.

(d) Confidentiality. All complaints, reviews and investigations alleging violations of this Ordinance shall be confidential except upon the request of the respondent. The Board shall promulgate appropriate penalties for violation of the requirement of confidentiality by complainants.

(e) Review of Complaint. Probable Cause Determination. Dismissal. If the complaint has been filed by a member of the public, the board shall review the complaint to determine whether or not the allegations contained therein constitute a violation of any provision of this Ordinance. If the Board determines that the complaint does not allege sufficient acts to constitute a violation, the Board shall dismiss the complaint and duly notify the complaint and respondent by registered or certified mail.

(f) Finding of Probable Cause. In the event the Board, by vote of a majority of its members present and voting (including such alternates serving in the stead of

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members), determines that the complaint alleges sufficient acts to constitute a violation, then within sixty (60) days after so determining, the Board shall fix a date for the commencement of the hearing on the allegation contained therein. The hearing dates regarding any complaint shall be not more than sixty (60) days after the filing of the complaint.

(8) Investigation; Hearings.

(a) In the conduct of its investigation and hearings pertaining to an alleged violation of this Ordinance, the Board shall have the power to hold hearings, administer oaths, examine witnesses, receive oral and documentary evidence, subpoena witnesses, and require production for examination by the Board of any books, papers and electronic files which the Board deems relevant in any matter under investigation or in question.

(b) In the exercise of such powers, the Board may use the services of the municipal police, who shall provide the same upon the Board's request.

(c) The respondent shall have the right to appear and to be represented by legal counsel and to examine and cross-examine witnesses. Moreover, upon receipt of said notice from the Board the respondent so notified that a complaint has been filed shall have the right to demand a public or private hearing by the Board.

(d) Any hearing conducted by the Board shall be governed by the administrative rules of evidence.

(9) Confidentiality of complaints. Evaluations of possible violations and investigations. Publication of Findings.

(a) Unless the Board makes a finding of a violation, a complaint alleging a violation shall be confidential except upon the request of the respondent.

(b) **Preliminary Investigation.** Prior to the issuance of a complaint on its own volition, the Board may conduct a preliminary investigation to determine whether the filing of a complaint is warranted. Said preliminary investigation shall

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be confidential except upon the request of the respondent. In the event the investigation is confidential, any allegations and any information supplied to or received from the Board shall not be disclosed during the investigation to any third party by a complainant, respondent, witness, designated party, or commission or staff member.

(c) **Finding of No Violation.** In the event the Board makes a finding of no violation, the complaint and the record of its investigation, shall remain confidential, except upon the request of the respondent or as may be required by an order under the freedom of information act. No complainant, respondent, witness, designated party, or commission or staff member shall disclose any third party any information learned from the investigation, including knowledge of the existence of the complaint, which the disclosing party would not otherwise have known. The Board shall inform the complainant and the respondent of its finding by registered or certified mail not later than three (3) business days after determination of the hearing or investigation.

(d) **Finding of a Violation.** The Board shall make public a finding of a violation not later than five (5) business days after the termination of the hearing. At such time the entire record of the investigation shall become public. The Board shall inform the complainant and the respondent of its finding and provide them a summary of its reasons for making such a finding by registered or certified mail not later than three (3) business days after termination of the hearing.

(e) **Appeals.** Any respondent aggrieved by a decision of the Board regarding the finding of a violation may take any appeals permitted by law.

(Ord. No. 74, § 1-6, 10-7-86). **Cross references:** Boards, commissions and committees, § 2-16 et seq. (Current Sec. 2-116)

Sec. 2-115. Penalties.

Violation of any provision of this Ordinance shall constitute grounds for, and may be punished by (1) public censure and reprimand; (2) in the case of a public employee, dismissal from employment or suspension for not more than ninety (90) days without pay; a civil penalty

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as may be established per violation; or, (4) restitution of any pecuniary benefits received because of the violations committed.

(NEW)

Sec. 2-116. Conflict of interest prohibited.

(a) No officer, employee or official of the Town shall, while serving as such, engage in or participate in any business, employment, transaction or professional activity (including outside employment with a private business), which is in substantial conflict with the proper discharge of his duties or employment in the public interest and of his responsibilities as prescribed by the laws of the State or the Town.

(b) No officer, employee or official of the Town shall have an interest, direct or indirect, which is incompatible with the proper discharge of official duties in the public interest or which would tend to impair independent judgment or action in the performance of official duties, responsibilities or employment; or, require him, or induce him, to disclose confidential information acquired by him in the course of and by reason of his official duties.

(c) **Appearances and Interventions**

(1) No officer, employee or official of the Town shall appear on behalf of a private interest other than his or her own before any elective or appointive board or commission of the Town of which he is a member.

(i) Any such Public Official may appear before Town agencies on behalf of his constituents in the course of his duties as a representative of the electorate or the performance of civic obligations provided that no retainer, compensation or gift shall be accepted in connection with such representation.

(ii) If members of the Board of Burgesses, in the course of their business or profession, currently represent Persons with matters before the said Board for determinations by that body, then in such cases the member shall disclose such representation and shall promptly abstain from such consideration, determination and legislative action. If a matter connected with such representation requires solely administrative action by a Department or

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Agency of the Town, then no direct personal intervention or representation shall be undertaken by the member with such Department or Agency.

(iii) In the event a member of the Zoning Board of Appeals has a conflict of interest involving a zoning matter or amendment, the commissioner in conflict should be disqualified from acting on said amendment or change, should abstain from voting thereon, should in no fashion attempt to influence the vote of other members of the Board and should place on the public record at the public hearing, the reasons for the disqualification and conflict of interest, including relationships with any parties that may be interested in said zone change or amendment. In the event of such disqualifications, an alternate shall serve in accordance with the ordinance relating to the appointment of alternates to the Zoning Board of Appeals.

(2) No former officer, employee, or official of the Town shall appear, representing private interests, at any time before any town board or agency in which the person was formerly employed, acting or participating on behalf of the town in connection with any matter or case with which the person was associated while an officer, employee, or official at any time within a period of one (1) year after termination of service with the town. Any such former officer, employee or official may, upon a written application to the Board of Ethics and filing with the Borough Clerk, be released from this obligation after review of the written application and relevant facts of the case by the Board of Ethics.

(d) No officer, employee or official of the Town, or their spouse or minor child shall solicit or accept any gift that exceeds one hundred (\$100.00) dollars in value, whether in the form of a service, loan, thing, or promise, from any person, firm, or corporation, which to his knowledge is interested in any manner in business dealings with the town. If a prohibited gift is offered, the gift shall be refused, returned and re-paid in the full value or donated to a non-profit organization provided the person does not take the corresponding tax write-off nor has an interest in the organization.

(e) No officer, employee or official of the Town shall request or permit himself/herself or others the use of Town-owned or leased vehicles, equipment, materials or property for personal use, business or profit, except when such services are available to the public generally or

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permitted by agreement of the Town and are provided in conformance with established Town policies for the use of such officer, employee or official in the conduct of Town business.

(f) Disclosures and Abstention from Voting or Participation

(1) Any officer, employee or official of the Town shall refrain from voting upon or otherwise participating in any matter on behalf of the Town if he, a business with which he is associated, an individual with whom he is associated, or a member of his immediate family, has a financial or personal interest in the transaction or contract, including, but not limited to, the sale of real estate, materials, supplies or services to the Town.

(2) If such participation is within the scope of the officer, employee or official's official responsibility, he shall be required to provide written disclosure, which sets forth the nature and extent of such interest to the Board.

(3) Notwithstanding the prohibition in subsection (f)(1), any officer, employee or official of the Town may, upon a finding of the Board of Ethics, vote or otherwise participate in a matter if it involved a determination of general policy and the interest is shared with a substantial segment of the population of the Town. Any such officer, employee or official shall also be required to disclose such interest to the Borough Clerk and Board of Ethics in the manner, time and form set forth in section 2-119.

(g) No officer, employee or official of the Town shall (1) appear in behalf of private interests before any board, agency or committee of the town; or, (2) represent private interests in any action or proceeding against the interest of the Town in any litigation to which the Town is a party. Nothing herein shall prohibit the officer, employee or official from appearing before any board or commission on his own behalf, or from being a party in any action, proceeding or litigation brought by or against such person to which the Town is a party.

(h) No officer, employee, or official of the Town shall willfully and knowingly disclose, for financial gain or personal interests, to any other person, confidential information acquired by him in the course of and by reason of his official duties or employment and no public official or state employee shall use his public office or position or any confidential information received through his holding such public office or position to obtain financial gain for himself, his spouse, child, child's

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spouse, parent, brother or sister or a business with which he is associated.

(i) No officer, employee or official of the Town or a business with which he is associated, or member of his immediate family shall enter into a contract with the Town, unless it is awarded through a process of public notice and competitive business and said person is not involved in or has influence over those who are involved making decisions regarding the outcome of the process.

(j) No officer, employee or official of the Town may use his position or office for the financial benefit of himself, a business with which he is associated, an individual with which he is associated, or a member of his immediate family.

(k) No officer, employee or official of the Town may vote or participate in collective bargaining, compensation or benefits, personnel policies and procedures, or budgetary matters or other employment matters that involve his employment or the employment of his immediate family.

(Ord. No. 74, § 1-3, 10-7-86) **Charter references:** Conflict of interest, § 61.1. (Current Sec. 2-113)

Sec. 2-117. Restrictions on Paid Consultants to the Town.

(a) No paid consultant of the Town shall represent a private interest in any action or proceeding against the interest of the Town which is in conflict with the performance of his duties as a consultant.

(b) No paid consultant may represent anyone other than the Town concerning any matter in which he participated personally and substantially as a consultant to the Town.

(c) No paid consultant shall disclose confidential information learned while performing his duties for the Town nor shall he use such information for the financial interests of himself or others.

(NEW)

Sec. 2-118. Nondiscrimination.

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(a) No officer, employee or official shall discriminate or favor any individual, or cause based solely upon race, color, creed, sex or age.

(b) No officer, employee or official shall request or permit the use of town-owned vehicles, equipment, facilities, materials, or property for personal convenience or profit, except when such are available to the public generally or are provided as municipal policy for the use of such officer, employee or official in the interest of the town.

(c) No officer, employee or official shall grant any special consideration, treatment, favor, or advantage to any person beyond that which is generally available to residents or taxpayers of the town.

(Ord. No. 74, § 1-4, 10-7-86) (Current Sec. 2-114)

Sec. 2-119. Written disclosure of Financial Interest.

(a) **Who Must File.** The Town's Finance Director and Director of Human Resources shall certify to the Town a list, current as of the previous July 1st, of the names and mailing addresses of the Persons who are required to file a financial disclosure statement in the current year, as follows:

(1) *Persons or Entities Doing Business with the Town.* For purposes of this Ordinance, a list prepared by the Finance Director of each Person doing business with the Town in an amount in excess of \$1,000 for the preceding year shall be determinative for purposes of reporting under this section.

(2) *Public Officials, Employees and Members of Boards and Commissions.* Public Officials or Employees holding the following positions as of July 1st of any year are required to file a financial disclosure statement:

- (a) Any Person holding an elective Town office;
- (b) Members of the Board of Ethics, Finance Board, Planning Commission, Zoning Commission and Zoning Board of Appeals;
- (c) All Department Heads;
- (d) All full-time appointed unclassified management Employees;

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(e) Those Employees whose responsibilities (as determined, in the sole discretion of the Board of Ethics) involve dispositive and discretionary judgments regarding the sale or lease of real estate, receipt of monies, purchasing, issuing of permits or licenses, assessment of property, inspection of property, settlement of claims, or, the preparation or awarding of Contracts or retention of outside services; and,

(f) Any other Employees or Members of Boards or Commissions who may be designated by the Board of Ethics, by Regulation.

(3) Any Public Official, Employee or Member of a Board or Commission whose position is designated as requiring the filing of a financial disclosure statement, but who did not hold the position at the time the filing was required for the current year, shall file the required statement within twenty-one (21) days following the date he or she first held the position. The statement shall be current as of the date the Public Official, Employee or Member of a Board or Commission first entered the new position, except that a Public Official, Employee or Member of a Board or Commission who has previously filed a current statement during that year is not required to file a new one merely by virtue of entering a new position.

(b) **Form.** Every financial disclosure statement, which is required to be filed under this Code, shall be in the form prescribed by the Board. Information which is required shall be provided on the basis of the best knowledge, information and belief of the reporting public servant, and shall be typewritten or printed. The statement shall be verified, dated, and signed by the reporting Public Official, Employee or Member of a Board or Commission personally.

(c) **Procedure.**

(1) A financial disclosure statement is considered filed when the Borough Clerk receives it.

(2) The Borough Clerk shall, in writing, notify all Persons required to file financial disclosure statements under this Ordinance. Notice shall be delivered by first class mail to the last known address appearing in Town records.

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(3) All financial disclosure statements shall be available for examination and duplication by the public in the office of the Borough Clerk during the regular business hours of the City, except as otherwise provided by law. The Person requesting the duplication shall pay costs of duplicating the financial disclosure statement.

(d) When Filed. Those Persons set forth in §2-119(a), above, shall file, under oath, a financial disclosure statement for the preceding calendar year with the Borough Clerk on or before the July first next in any year in which they hold such a position. Any such individual who leaves his or her office or position shall file a financial disclosure statement covering that portion of the year during which such individual held his or her office or position.

(1) Notification by the Borough Clerk. The Borough Clerk shall notify such individuals of the requirements of this subsection within thirty days after their departure from such office or position. Such individuals shall file such statement within sixty days after receipt of the notification.

(e) Contents of Statements of Financial Interest Disclosure.

(1) Persons or Entities Conducting Business with the Town. The financial disclosure statement shall include a list of all outstanding Purchase Orders or Contracts with the Town and the identity of all Public Officials, Employees or Members of Boards and Commissions who have a Financial Interest in the Person conducting business with the Town.

(2) Public Officials, Employees and Members of Boards and Commissions. The financial disclosure statement shall contain the following information for the preceding calendar year in regard to the individual required to file the statement and the individual's spouse and dependent children residing in the individual's household:

(i) The names of all Businesses with which there is a Financial Interest, whether incorporated or not;

(ii) The category or type of all sources of Business income, without specifying amounts of income;

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(iii) The existence of any known Blind Trust and the names of the trustees;

(iv) All real property located within the Town or within a municipality in which the Town can exercise regulatory control or authority, whether owned by such individual or held in the name of a corporation, partnership or trust for the benefit of such individual; and,

(v) Any leases or contracts with the Town held or entered into by the individual or a Business with which he was associated.

(f) Public Information. The financial disclosure statement filed pursuant to this section shall be a matter of public information.

(g) Waiver. Any individual who is unable to provide information required under the provisions of this section by reason of impossibility may petition the Board of Ethics for a waiver of the requirements.

(h) Disclosure Requirements Pertaining to City Procurements.

(1) Disclosure of Benefit Received from a Contract or Purchase Order. Any Public Official, Employee or Member of a Board or Commission who has, or obtains any benefit from, any Town Contract or Purchase Order with a Business in which he has a Financial Interest shall report such benefit to the Board of Ethics; provided, however, this section shall not apply to a Contract or Purchase Order with a Business where the Financial Interest in the Business has been placed in a disclosed Blind Trust.

(2) Failure to Disclose Benefit Received. Any Public Official, Employee or Member of a Board or Commission who knows or should have known of such benefit, and fails to report such benefit to the Board of Ethics shall be in violation of this Code.

(3) Notice. Notice of this requirement shall be provided in accordance with regulations promulgated by the Board of Ethics.

(i) Amendments. Every Person who is required to file a disclosure statement shall amend the statement from time to time as necessary to ensure the continued accuracy thereof. Each such amendment shall be made within fifteen (15) days following any occurrence, which causes the statement to be inaccurate.

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(j) Failure to File.

(1) The Borough Clerk shall notify any Public Official, Employee or Member of a Board or Commission who fails to file a financial disclosure statement by the prescribed filing date of each year, by certified mail, of the failure to file by the specified date. The Public Official, Employee or Member of a Board or Commission shall file the required statement within twenty (20) working days after having received the notice, along with a late filing fee of twenty (\$20) dollars. Failure to file the required statement within twenty (20) working days after having received the notice shall constitute a violation of this Code, unless an extension has been obtained in accordance with the provisions of this section.

(2) Any Public Official, Employee or Member of a Board or Commission who becomes newly subject to the requirement to file a financial disclosure statement within thirty (30) days prior to the prescribed filing date of any year shall be notified at that time, or as soon as practicable thereafter, by the appointing authority of the obligation to file and shall be permitted to file the required statement without a penalty within twenty (20) working days after having received the notice. If the Public Official, Employee or Member of a Board or Commission fails to file the required statement within twenty (20) working days after having received the notice, the Borough Clerk shall notify the party by certified mail of the failure to file by the specified date. The Public Official, Employee or member of a Board or Commission shall file the financial disclosure statement within ten (10) working days after having received the certified notice, along with a late filing fee of \$20. Failure to file the financial disclosure statement within ten (10) working days after having received the certified notice shall constitute a violation of this Ordinance, unless an extension has been obtained in accordance with the provisions of this section.

(3) The Borough Clerk shall notify any Person conducting Business with the Town who fails to file a financial disclosure statement by the prescribed filing date of each year, by certified mail, of the failure to file by the specified date. The Person shall file the required statement within twenty (20) working days after having received the notice, along with a late filing fee of \$20. Failure to file the required statement within twenty (20) working days after having received the notice shall constitute a violation of

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this Code, unless an extension has been obtained in accordance with the provisions of this section.

(k) **Extensions.** A Public Official, Employee or Member of a Board or Commission who is required to file a financial disclosure statement may have one thirty-day filing extension by filing a notice with the Borough Clerk by the date on which the financial disclosure statement is due. Failure to file by the extended deadline shall constitute a violation of this Code.

(l) **Financial Disclosure Statement: Notice.**

(1) To Appointing Authority. The Borough Clerk, upon notifying the Director of Finance of the failure of a Public Official, Employee or Member of a Board or Commission to file a statement, shall also notify the appropriate appointing authority, if any.

(2) To Director of Purchasing. The Borough Clerk, upon notifying the Director of Finance of the failure of a Person or Entity Conducting Business with the Town to file a statement, shall also notify the Director of Purchasing.

(Ord. No. 74, § 1-5, 10-7-86) (Current Sec. 2-115)

Sec. 2-120. Multiple commission positions prohibited; exception.

(a) Except where otherwise permitted by general or special law, no person may serve as an appointed member of more than one Board or Commission at the same time, with the exception of a Charter Revision Commission or other Boards or Commissions of finite duration. The Members of the Board of Burgesses may only serve on a Board or Commission if assigned as a representative of such Board or Commission for the sole purpose of representing the Board as a liaison.

(b) Where conflicts with subsection (a) of this section are presently in existence, letters will be sent to such individuals asking such person to resign one (1) appointment. If they refuse, the grandfather clause will go into effect, until the end of the term on one (1) of his appointments.

(Ord. No. 74, § 1-8, 1-7-86) (Current Sec. 2-117)

Sec. 2-121. Distribution of Code of Ethics.

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The Borough Clerk shall cause of copy of this Ordinance to be distributed to every officer, employee or official of the Town within sixty (60) days after the enactment or amendment hereof. Each officer, employee or official of the Town shall be furnished a copy before entering upon the duties of his office or employment. A signed receipt for all copies shall be returned to the Borough Clerk and retained on file.

(NEW)

Sec. 2-122. Conflicts.

Should any provision of this article conflict with any provisions of federal law or the general statutes the provisions of the federal law or the general statutes shall prevail.

(Ord. No. 74, § 1-7, 10-7-86) (Current Sec. 2-118)

Sec. 2-123. Amendments.

This article may be amended only by ordinance in conformity with the provisions of the town Charter.

(Current Sec. 2-119)

Secs. 2-123--2-140. Reserved.

Effective Date: July 1, 2012.

The provisions of Article III of the Ordinances entitled "Code of Ethics" shall remain in full force and effect until the effective date of this ordinance. Moreover, this Ordinance does not affect an action or proceeding commenced before the effective date of this Ordinance.